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Technology Center 2100

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In re Application of: G. Sullivan
Application No. 09/624,732
Filed: July 25, 2000
For: APPARATUS AND METHOD FOR
CREATING AND MANAGING A
FINANCIAL INSTRUMENT

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition, filed March 16, 2001 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not fully comply with (B), (C) and (D) above. Specifically with respect to (B), while petitioner states that all the claims are directed to a single invention, the petition does not also include a statement indicating that if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse. With respect to (C), the search documented in Appendix A appears to consist of a text search. No other search has been identified. As a result, no search by class and subclass was found. Concerning (D), full copies of U.S. Patent No.s 5,193,056 and 5,999,917 have not been provided. As petitioner indicates, only a copy of the abstract and claim 1 of two patents have been submitted even though they are deemed by applicant to be among the references most closely related to the subject matter of the claims.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



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